

PROCEEDINGS OF THE GREEN COUNTY BOARD OF SUPERVISORS

August 12, 2008

Arthur Carter, Chair, called the meeting to order.

The Clerk read the roll with 29 present and 1 absent being Fiduccia.

The Board recited the Pledge of Allegiance.

Motion by Dalton, seconded by Pat Davis to approve the minutes of the July 8, 2008 meeting. Motion carried by a unanimous voice vote.

Introduction was made of the new Community Development Resource Agent, Cara Carper.

RESOLUTION 8-1-08

Resolution Awarding Landfill Contract in Excess of \$75,000

WHEREAS, County Code Section 1-11-2, entitled COUNTY PURCHASES AND CONTRACTS, provides for review, approval and execution of all county contracts and purchases necessary to carry out approved budget operations; and

WHEREAS, Section 1-11-2(A)(4) states: Cost or price in excess of seventy-five thousand dollars (\$75,000.00), recommendation by the appropriate department head and the supervisory committee to the full County Board and approval by the full Board before the purchase is made. Execution of the contract documents shall be by the Green County Board Chair and the appropriate committee chair, after the document has been reviewed by the Green County Corporation Counsel.

NOW, THEREFORE, BE IT RESOLVED by the Green County Board of Supervisors, in legal session assembled, that the Board approve the recommendation of the Green County Solid Waste Management Board for the lease/purchase of the following:

J-Mec, Inc

Marathon M-1050XW Packer Module XHD Stationary Compactor

\$99,736.00 plus interest for a total of \$109,170.70 - 5 year contract

SIGNED: GREEN COUNTY SOLID WASTE MANAGEMENT BOARD:

Nate Klassy

Ray Francois

Harvey Mandel

Lloyd Lueschow

Barb Krattiger

Steve Stettler

David Dowden

Harley Shelton

Richard Vogel

REVIEWED AND APPROVED BY:

Nate Klassy, Solid Waste Management Board Chair

Arthur Carter, County Board Chair

William Morgan, Corporation Counsel

Motion by Francois, seconded by Mandel, to approve Resolution 8-1-08. Motion carried by a unanimous voice vote.

RESOLUTION 8-2-08

Resolution Approving Grant Application

WHEREAS, the Finance and Accounting Committee adopted a Grant Application and Acceptance procedure at its August 2, 2005 meeting, which states that grants over ten thousand dollars (\$10,000.00) shall be subject to County Board consideration before acceptance, after approval by the oversight committee and Finance Committee; and

WHEREAS, County Code Section 2-12-1, entitled COUNTY BOARD APPROVAL, provides for County Board approval of programs or services within Green County which are funded by other than County funds and revenues.

NOW, THEREFORE, BE IT RESOLVED by the Green County Board of Supervisors, in legal session assembled, that the Board approve the recommendation of the appropriate oversight committees and the Finance and Accounting Committee for approval of the following grant application and amend the departmental budget as follows:

Department	Grant Amount	Purpose
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Tourism			Original	Amt of	Amended	Tourism Recovery Grant
	<u>Revenues</u>	<u>Account</u>	<u>Budget</u>	<u>Increase</u>	<u>Budget</u>	
	State Aid	464400-320	\$-	\$12,500	\$12,500	
	<u>Expenses</u>					
	Publicity	564400-430	\$19,600	\$12,500	\$32,100	

SIGNED: FINANCE AND ACCOUNTING COMMITTEE:

Harvey Mandel, Chair

Arthur Carter

Sue Disch, Vice-Chair

Dennis Everson

Al Benzschawel

Motion by Kubly, seconded by Disch, to approve Resolution 8-2-08. Motion carried by a unanimous voice vote.

RESOLUTION 8-3-08

Proclamation of State of Emergency

WHEREAS, the Green Veterans Service Office and Emergency Management Committee is to act in conjunction with the Emergency Management Director in cases of disaster within the County; and

WHEREAS, as a result of severe weather beginning on June 6, 2008, the Committee has determined that a natural disaster occurred within Green County, creating a State of Emergency; and

WHEREAS, said Committee recommends that the Board authorize Arthur Carter, as the Chair of the Green County Board, pursuant to §59.12, Wis. Stats., to declare a State of Emergency as a result of the severe weather beginning June 6, 2008.

NOW, THEREFORE, BE IT RESOLVED in legal session assembled by the Green County Board of Supervisors that Arthur Carter, as County Board Chair, sign a Proclamation of a State of Emergency as a result of the storms beginning June 6, 2008.

BE IT FURTHER RESOLVED that the Emergency Management Committee directs that the Green County Emergency Management Office coordinate the response of the local and county agencies to said incident and, if appropriate, obtain such assistance as is available through the Wisconsin Emergency Management Office.

SIGNED: VETERANS SERVICE OFFICE and EMERGENCY MANAGEMENT COMMITTEE

Mike Furgal, Chair

Arthur Carter

Jerry Guth

Ken Hodgson

Motion by Furgal, seconded by Guth to approve Resolution 8-3-08. Motion carried by a unanimous voice vote.

RESOLUTION 8-4-08

Resolution Supporting Legislative Change in County Nursing Home Funding

WHEREAS, the Supplemental Payment Program known as the intergovernmental transfer program, generates federal matching funds based on actual operating losses incurred by governmental nursing homes; and

WHEREAS, the amount of revenue that may be generated is capped by the federal government (Medicare Upper Limit); and

WHEREAS, all revenue generated from county nursing home losses is deposited in the state of Wisconsin's Medical Assistance Trust Fund; and

WHEREAS, the 2007-2009 state biennial budget anticipates Medicaid deficits for county and municipal nursing homes of \$140,040,600 in FY 08 and \$136,858,800 in FY 09; and

WHEREAS, payments to counties from the federal match paid on county losses are capped at \$37.1 million each year, and the state anticipates utilizing \$40,000,000 in FY 08 and \$37,000,000 in FY 09 in federal matching funds for its Medicaid programs; and

WHEREAS, under current state law, total supplemental payments to county and municipal homes may not exceed \$37.1 million in payments annually; and

WHEREAS, counties have never received less than \$37.1 million in payments annually; and

WHEREAS, county nursing homes generate significant losses as many county homes serve individuals with high acuity levels and intense behavioral needs; and

WHEREAS, the Medical Assistance rates paid to county nursing homes is insufficient to cover the cost of care for patients with significant care needs; and

WHEREAS, over the years, the number of county nursing homes has declined; and

WHEREAS, many counties can no longer afford to allocate property tax dollars to the operation of a county home, yet county homes provide a valuable public service; and

WHEREAS, if more counties sell or close their county nursing homes, county nursing home losses decrease, generating fewer dollars under the certified public expenditure program for county and state use; and

WHEREAS, as the \$37.1 million referenced in statute represents a cap on payments to counties, the state has the ability to provide payments to county and municipal homes in an amount less than \$37.1 million.

NOW, THEREFORE, BE IT RESOLVED by the Green County Board of Supervisors, in legal session assembled, that the Green County Board of Supervisors supports a legislative change requiring the state of Wisconsin to pay county and municipal nursing homes at least \$37.1 million annually under the supplemental payment program; and

BE IT FURTHER RESOLVED, that the Wisconsin Counties Association and the Wisconsin Association of County Homes work in cooperation with the Department of Health Services to develop a plan to return all revenue generated from county nursing home losses to counties over a five-year period; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to DHS Secretary Karen Timberlake, DOA Secretary Michael Morgan, Governor Jim Doyle, all area legislators and the Wisconsin Counties Association.

SIGNED: PLEASANT VIEW NURSING HOME COMMITTEE:

Herb Hanson, Chair

Craig Foreback

Dennis Everson, Vice Chair

Al Benzschawel

Tim Davis

Motion by Hanson, seconded by Tim Davis to approve Resolution 8-4-08. Motion carried by a unanimous voice vote.

RESOLUTION 8-5-08

Resolution Awarding Highway Contract in Excess of \$75,000

WHEREAS, County Code Section 1-11-2, entitled COUNTY PURCHASES AND CONTRACTS, provides for review, approval and execution of all county contracts and purchases necessary to carry out approved budget operations; and

WHEREAS, Section 1-11-2(A)(4) states: Cost or price in excess of seventy-five thousand dollars (\$75,000.00), recommendation by the appropriate department head and the supervisory committee to the full County Board and approval by the full Board before the purchase is made. Execution of the contract documents shall be by the Green County Board Chair and the appropriate committee chair, after the document has been reviewed by the Green County Corporation Counsel; and

NOW, THEREFORE, BE IT RESOLVED by the Green County Board of Supervisors, in legal session assembled, that the Board approve the recommendation of the Green County Highway Committee for the construction of a pole shed:

Cleary Building Corporation - \$108,195

SIGNED: GREEN COUNTY HIGHWAY COMMITTEE:

Ray Francois, Chair

Russ Torkelson

Harvey Mandel

Cal Wickline

Ron Wolter

REVIEWED AND APPROVED BY:

Ray Francois, Highway Committee Chair

Arthur Carter, County Board Chair

William Morgan, Corporation Counsel

Motion by Francois, seconded by Torkelson to approve Resolution 8-5-08. Motion carried by a unanimous voice vote.

AMENDED ORDINANCE 08-0801

Private Water Systems Ordinance Modifications

WHEREAS, the Green County Land Conservation Committee has supervision over the County's soil and water conservation programs; and

WHEREAS, Green County has previously adopted a Private Water Systems Ordinance; and

WHEREAS, effective June 1, 2008, the state law will require that abandonment of wells be done by certified pump installers; and

WHEREAS, landowners who install new wells do not always abandon existing wells; and

WHEREAS, after having reviewed the existing County Ordinance, the Committee has determined that it is appropriate to establish a permitting process to monitor the installation of new wells and assure the abandonment of old wells.

NOW, THEREFORE, BE IT ORDAINED by the Green County Board of Supervisors, in legal session assembled, that Title 9 of the Green County Code be modified as follows.

9-3-3: PURPOSE

The purpose of this ordinance is to protect the drinking water and groundwater resources of the county by governing access to groundwater through regulating private well locations and well abandonment and drill hole abandonment. This ordinance does not pertain to groundwater monitoring wells or any community water system. (Ord. 08-0801, 8/12/2008)

9-3-8: DEFINITIONS

PUMP INSTALLER/PLUMBER: Any person that works on a new or existing well or water system.

WELL DRILLER: Any person who constructs a well and is licensed in the state of Wisconsin. (Ord. 08-0801, 8/12/2008)

WELL LOCATION PERMIT: A permit or comparable registration system, issued by the County which allows the construction or reconstruction of a private well. (Ord. 08-0801, 8/12/2008)

9-3-9-2: PRIVATE WELL LOCATION PERMITS

The County requires the issuance of a permit authorizing the location of new and replacement private wells, including drilled, driven point, dug, bored or jetted wells, or the reconstruction or rehabilitation of existing private wells. (Ord. 08-0801, 8/12/2008)

9-3-10-3: DUTIES OF ADMINISTRATOR

B. Investigate and record all private water system complaints ~~pertinent to well abandonment and drill hole abandonment~~. (Ord. 08-0801, 8/12/2008)

C. Investigate cases of noncompliance with this ordinance, ch. NR 812, Wis. Adm. Code, and ~~§~~280, Wis. Stats., issue orders to abate the noncompliance and submit violations to the District Attorney or Corporation Counsel for enforcement.

I. Record all permits, fees, inspections and other actions, and make an annual report thereon to the County Board of Supervisors. (Ord. 08-0801, 8/12/2008)

J. Inspect the location of new private water systems upon completion. (Ord. 08-0801, 8/12/2008)

9-3-11: REQUIREMENTS AND PERMITS

1. No person may install a private well or water system unless the owner of the property on which the private water system is to be installed holds a valid well location permit issued by the County or has made arrangements to acquire a permit by notifying the Land Conservationist or his/her designee prior to construction. Notification shall include providing the Land Conservationist or his/her designee with the property owner's name and address, property legal description, proposed starting date and identification of the person who will be obtaining the permit.

2. No private water system may be located, installed or operated within the jurisdictional limits of the county without the appropriate permit being obtained in compliance with sub. (1) above and without being in full compliance with the provisions of this ordinance and all other applicable state and local laws and regulations. Permit applications for the location of a well shall be made by the property owner. Permits shall be issued from the office of the Land Conservationist or his/her designee.

3. The permit application shall be on forms provided by the Land Conservationist or his/her designee, and shall include the following:

a. A site plan diagram. The plan diagram shall be submitted on paper not less than 8½ by 11 inches and shall include the location of all structures, all other wells (used or unused) or sources of water, septic tanks, septic absorption fields, underground fuel storage tanks,

- animal yards and other sources of contamination; at least one property line, the property access road and nearest public road. Distances shall be provided by dimension or to scale. For large parcels the plan must include a small scale diagram showing all property lines and adjacent roads in addition to the large scale diagram showing site details.
- b. A copy of any variance granted by the department including proof that the variance has been properly recorded.
4. Well location permit applications shall be signed by the property owner. Well location permit applications shall be submitted to the Land Conservationist or his/her designee at least 2 working days prior to construction. The well driller shall be responsible for maintaining full compliance with all provisions of ch. NR 812, Wis. Admin. Code. The permit application shall be submitted by the property owner and shall be issued to the property owner.
5. a. The Land Conservationist or his/her designee shall assist applicants by answering questions and providing forms, reviewing applications and approve, disapprove or notify an applicant of the need to seek a variance or special approval from the department or return the permit application due to incompleteness for all private water systems to be constructed or modified in the county within 7 working days following submission of the permit application. The Land Conservationist or his/her designee may reserve final approval or disapproval of a permit which requires department action until the variance or special approval request has been acted on by the department.
b. If a permit is disapproved because an applicant submits an incomplete or inaccurate application, one-half of the application fee shall be retained by the County. Any reapplication shall require the same fee as a new application.
6. The Land Conservationist or his/her designee shall issue written notice to each applicant whose permit application is disapproved. An application shall be disapproved if the well construction would result in noncompliance with ch. NR 812, Wis. Admin. Code, or if a well construction variance or special approval request was denied by the department. Each notice shall:
a. State the specific reason for denial.
b. Inform the applicant of the right to request a special approval or a variance from the department and the procedures for making such a request.
7. When construction occurs on a weekend or holiday, notification shall be provided to the Land Conservationist or his/her designee on the first workday following the weekend or holiday in the same manner as described in sub. 4 above. Unless other arrangements are made with the Land Conservationist or his/her designee, the permit application shall be obtained on the first workday following the weekend or holiday. The well driller shall be responsible for maintaining full compliance with all provisions of ch. NR 812, Wis. Admin. Code.
8. All unused wells on the property shall be properly permanently abandoned within 30 days of construction of the new or replacement well. In accordance to ch. NR 12, Wis. Admin. Code, County staff shall be informed of well abandonment.
9. A permit transfer application shall be submitted to the county when there is a change of property owner after the application is submitted but before well construction is completed. Failure to submit a transfer application to the County shall invalidate a previously issued permit. The application shall be on a form made available by the Land Conservationist or his/her designee.
10. As soon as the well location permit is received, it shall be displayed conspicuously at the well site during construction, for a minimum of seven (7) days following completion of construction.
11. A well location permit shall be valid for a period of one year or until construction is completed, whichever comes first. If the permit expires, a new application shall be submitted to the Land Conservationist or his/her designee. Reapplications shall be evaluated so that construction will comply with the provisions of ch. NR 812, Wis. Admin. Code, in effect at the time of the reapplication. The Land Conservationist or his/her designee may require additional inspection and fees for reapplications.
12. A well location permit is not required nor shall be issued by the County for private water systems requiring written plan approval from the department.
13. Any permit issued under this section shall be void if any false or inaccurate statement is made or if any inaccuracy is shown on any application for a permit.

14. No permit may be issued to any property owner or designated agent of the property owner who is in violation of this ordinance until the violation has been corrected.

(Ord. 08-0801, 8/12/2008)

9-3-142: APPEALS

9-3-123: VIOLATIONS

The administrator shall investigate violations of the Private Water System Ordinance and ch. NR 812, Wis. Adm. Code, relating to the County's authorized delegation level(s), issue orders to abate the violations and submit orders to the District Attorney or Corporation Counsel for enforcement.

9-3-13-1: NOTICE OF NONCOMPLIANCE

A. A well driller or pump installer/plumber shall submit a notice of noncompliance to the Department of Land Conservation of known unused or improperly abandoned wells located on properties where work was completed on wells or existing water systems.

B. The notice shall include the landowner's name, address, and location of the unused well with a site diagram on paper not less than 8½ x 11 inches.

(Ord. 08-0801, 8/12/2008)

9-3-134: ADMINISTRATOR DIRECTIVES AND ORDERS

9-3-134-1: FIELD DIRECTIVE

9-3-134-2: FORMAL DIRECTIVE

9-3-134-3: CORRECTION ORDER

9-3-145: ENFORCEMENT ACTIONS

A. The County Corporation Counsel may, for any violation, seek:

1. Injunctive relief and/or
2. Forfeitures of not less than \$50.00 but not more than \$200.00, for violations other than that specified in 9-3-15-A.4.
3. Each day of violation is a separate offense.
4. Failure to obtain a permit as required under this Ordinance shall be assessed a forfeiture of \$500.00. (Ord. 08-0801, 8/12/2008)

9-3-16: FEE SCHEDULE

A. The fee for a well permit shall be \$50.00.

B. The fee for a transfer of a well-setting permit shall be \$40.00.

(Ord. 08-0801, 8/12/2008)

SIGNED: LAND CONSERVATION COMMITTEE

Oscar Olson

Ken Hodgson

Cathy Cryor-Burgweger

Russ Torkelson

Dean Kaster

Motion by Olson, seconded by Pat Davis to approve Ordinance 08-0801. Motion to amend the ordinance's references to "Land Conservationist" to read "Land Conservationist or his/her designee" made by Disch, seconded by Pat Davis. Motion carried by a unanimous voice vote. Motion to approve amended ordinance carried by a unanimous voice vote.

Motion by Olson, seconded by Torkelson to approve the following Farmland Preservation Agreements: James and Kathryn Watson, town of Monroe; Gary and Joanne Lien, town of Brooklyn; Randall and Pam Wyss, towns of Clarno and Jefferson; Brian Duerst, towns of Exeter and New Glarus; Margaret Eastham, town of New Glarus. Motion carried by a unanimous voice vote.

Motion by Hart, seconded by Furgal to approve the following out-of-state travel requests: Deb Marino and Mickey Rockey to attend the National Association of Alcohol and Drug Abuse Counselors Annual Conference on August 27-29 in Overland Park, KS; and Kimber Faust, Claire MacLennan and Georgien Walls to attend National Child Advocacy Center training on September 15-18 in Columbia, SC. Motion carried by a unanimous voice vote.

The board was reminded that the September meeting will be held on Wednesday, September 10, due to the Partisan Primary Election on Tuesday, September 9.

Motion by Disch, seconded by Cousin to adjourn. Motion passed.

STATE OF WISCONSIN)

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COUNTY OF GREEN)

I, Michael J. Doyle, County Clerk, in and for said County, do hereby certify that the above and foregoing is a true and correct copy of the proceedings of the County Board of Supervisors of Green County, Wisconsin, on their meeting of August 12, 2008.

Michael J. Doyle
Green County Clerk